

VZCZCXRO3363
OO RUEHDBU
DE RUEHNT #0427/01 0601328
ZNY CCCCC ZZH
O 011328Z MAR 06
FM AMEMBASSY TASHKENT
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5261
INFO RUEHTA/AMEMBASSY ALMATY IMMEDIATE 7667
RUEHAH/AMEMBASSY ASHGABAT IMMEDIATE 1776
RUEHEK/AMEMBASSY BISHKEK IMMEDIATE 2299
RUEHDBU/AMEMBASSY DUSHANBE IMMEDIATE 2192
RUEHMO/AMEMBASSY MOSCOW IMMEDIATE 6563
RUEHVEN/USMISSION USOSCE IMMEDIATE 1675

C O N F I D E N T I A L SECTION 01 OF 02 TASHKENT 000427

SIPDIS

SIPDIS

DEPT FOR SCA/CEN AND DRL

E.O. 12958: DECL: 03/01/2016

TAGS: [PHUM](#) [PREL](#) [PGOV](#) [UZ](#)

SUBJECT: SUNSHINE COALITION TRIALS - KHILOYATOVA SENTENCED
TO TEN YEARS, UMAROV VERDICT COMING

REF: 05 TASHKENT 2935

Classified By: AMB. JON R. PURNELL, FOR REASONS 1.4 (B, D)

11. (C) Summary: The trial of Sunshine Coalition co-founder Nodira Khidoyatova ended on March 1 with a ten-year prison sentence. A verdict in the trial of fellow coalition co-founder Sanjar Umarov is scheduled for March 6. The final session of Umarov's trial featured a theatrical debate between the prosecuting and defense attorneys that elicited laughter and applause from courtroom observers. It is clear that both cases are political, and the trials orchestrated for the benefit of an international audience. End summary.

NODIRA KHILOYATOVA SENTENCED TO TEN YEARS

12. (C) On March 1, Judge Zakir Isayev of the Tashkent City Criminal Court sentenced Sunshine Coalition co-founder Nodira Khidoyatova to ten years imprisonment. Khidoyatova was accused of tax evasion, illegal commodities trading, and conspiracy with fellow coalition co-founder Sanjar Umarov to violate tax and trade laws. The prosecutor had asked the court for a sentence of 12 years imprisonment. In his verdict, the judge ruled that the evidence did not support some of the accusations, and he accordingly reduced the requested sentence by two years. Attorneys and observers expect that Khidoyatova will not qualify for amnesty or a lighter sentence, as she was already granted amnesty after a 1996 criminal conviction on similar charges, and the law does not allow multiple amnesties.

13. (C) Khidoyatova's trial attracted growing attention from journalists, local NGOs, and international observers. Approximately 40-50 people appeared for the final hearing, including representatives from the German and British embassies, Human Rights Watch, and several local human rights activists. Some attendees were barred from the court on the judge's orders, presumably because they had previously been ejected for violating courtroom decorum. Otherwise, the court did not appear to systematically prevent access. In contrast to previous trials, where observers were required to request access in advance, guards at Khidoyatova's trial asked prospective observers to nominate a representative to compile a handwritten list of attendees immediately before each hearing. Those on the list were generally admitted to the courtroom.

SANJAR UMAROV: "I WANT A FAIR TRIAL"

14. (C) Khidoyatova's trial took place concurrently with Umarov's. He was charged with grand larceny, bribery, money-laundering, and tax evasion. Umarov's trial has taken place in the same courtroom, with the same judge and the same prosecuting attorney as in Khidoyatova's case. The prosecutor has asked for an 18-year prison sentence for Umarov.

15. (C) On February 27, Umarov and his attorney, Vitaly Krasilovsky, gave closing remarks. In an exhaustively detailed presentation that drew applause from the courtroom observers, Krasilovsky argued that the accusations were based upon dubious testimony from persons who had something to gain from testifying, many of whom did not even know Umarov personally. He argued that Umarov had no legal affiliation with the companies he is accused of operating, and that Umarov was not personally liable for Uzbek taxes as he has been a permanent resident of the United States for seven years. "If any independent expert were to examine the evidence in this case," Krasilovsky said, "the prosecution's case would fall apart like a house of cards."

16. (C) The prosecuting attorney then rose and hotly refuted Krasilovsky's claims in extemporaneous remarks addressed not to the judge, but to the courtroom observers. (Comment: He spoke in a theatrical, pompous tone, peppered with rhetorical questions such as, "Is Mr. Umarov a citizen of a foreign country?!" End comment.) He argued that, in the over 2,000 cases in which he had participated as a prosecutor (Note: Yes, two thousand. End note.), he had never seen one as well documented as this one. In a crescendo of fury, he expressed the futility of the defense's case in a rhyming Russian phrase which could be loosely translated as: "You can't argue

TASHKENT 00000427 002 OF 002

with a sledgehammer." The comment sent every person in the courtroom into peals of laughter - including even Umarov himself. (Comment: Those rooting for the defense perfectly understood the dark irony in the prosecutor's expression. The "sledgehammer," in this case, is the Uzbek government, against which there is no defense. End comment.)

17. (C) Before closing the session, the judge gave Umarov an opportunity for a final statement. He rose to the occasion with an impassioned denunciation of the judicial process. He called the government case a politically motivated response to his opposition activity and accused government investigators of bullying and threatening him in pre-trial detention, denying him medical attention, and denying him contact with his attorney. In his final request to the judge, Umarov said only, "I want a fair trial." On March 1, immediately after the reading of Khidoyatova's verdict, Judge Isayev convened a two-minute hearing to announce that he would read Umarov's verdict on March 6.

18. (C) Comment: As reported reftel, there is much more than meets the eye here. The trials have been bizarre exceptions to the usual Uzbek formula of restricted access and compliant attorneys. The presence of monitors, the prosecutor's theatrical statements, the judge's studied avoidance of any hint of political rhetoric in the courtroom - all go to support the view that the GOU has orchestrated these trials in order to convince foreign observers that the cases are really economic and not political, and in order to project a veneer of fairness in a process that is fundamentally flawed. Without an independent evaluation of the evidence, it is impossible to say whether there is any merit to the prosecution's case. But it is fairly clear that, whether the defendants are guilty or innocent, they are being tried on the basis of their political opposition to the Karimov regime. PURNELL